IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1705 of 2005

Between:

Mr. K.V.K. Reddy, S/o. Late Sri K. Venkata Reddy,
R/o. H.No.8-1-14, Maruthinagar, Karmanghat, Saroorngar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 L.B. Nagar Municipality, Rep. by its Commissioner, L.B. Nagar, Saroornagar, Ranga Reddy District.
2 The Hyderabad Urban Development Authority, Rep. by its Managing

Director, Hyderabad.
3 M/s. Hari Om Saw Mills, Near Hanuman Temple, Karmanghat, Saroornagar, Rangareddy District.
4 M/s. Anasuya Timber Depot, Near Hanuman Temple, Karmanghat, Saroornagar, Rangareddy District.
5 M/s. Sarada Tiber Depot (Omkar Entgerprises), Near Hanuman

Temple, Karmanghat, Saroornagar, Rangareddy District.
6 The Andhra Pradesh Pollution Control Board, Maitrivanam, Ameerpet,

Hyderabad, Rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

grant a Writ, order, direction, more so in the nature of Writ of Mandamus, declaring the inaction of the respondents 1, 2 and 6 in stopping the air and noise pollution created by the respondents 3 to 5 as arbitrary, illegal and violative of the rights of the petitioner under Air and Water Pollution Acts and also Article 21 of the Constitution of India and consequently direct the respondents 1, 2 and 6 to take steps to ensure that the respondents 3 to 5 are not causing any air or noise pollution.

Counsel for the Petitioner: MR.R.RAGHUNANDAN

Counsel for the Respondent No.1: MR.POLISETTI RADHAKRISHNA (SC FOR MUNCIPALITIES)

Counsel for the Respondent Nos.2 to 5: None appeared.

Counsel for the Respondent No.6: Mr.E.Kalyanram

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioner had earlier filed W.P.No.7193 of 2002 in which, on 17-4-2002, an order was passed directing the respondent-Pollution Control Board to take action in accordance with law. Grievance of the petitioner is that though the respondent Board did carry out inspection of the offending saw mills and also afforded a legal hearing to the persons carrying on business of running saw mills and ultimately issued directions in the month of January, 2003 under Section 31 A of the Air (Prevention and Control of Pollution) Amendment Act, 1987 calling upon the timber depots/saw mills to submit time bound action plan to control air pollution within seven days failing which the Board has to apprise them that further action will be initiated against the timber depots/saw mills, there has been no follow up action and the situation still persists as it was when earlier writ petition was filed resulting in air pollution.

We have heard the learned counsel for the petitioner and gone through the record and also the direction, which was issued to the Pollution Control Board. In case on petitioner's writ petition earlier directions were issued to the Board to take action in accordance with law, in normal circumstances, the Board will carry out inspection and issue necessary directions. It was for the Board to ensure that effective action is taken in case there has been non-compliance of the directions issued by the Board. Board is not powerless to take even punitive action or preventive measures and ensure even closure of the polluting units in case directions are not complied with. As directions were admittedly issued in January, 2003 and according to the petitioner, there is no follow up action and the situation is still the same as before, we allow the writ petition with direction to respondent-Pollution Control Board to proceed ahead in the matter by carrying out inspection

within a period of two weeks from the date of receipt of the writ order from the court and in case there is non-compliance of the directions, to pass appropriate orders within a period of four weeks thereafter and ensure that the directions are complied with or the units are closed by taking all necessary steps as are permissible in law.

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DEVINDER GUPTA, CJ

11-2-2005

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B.SESHASAYANA REDDY, J

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To

1 L.B. Nagar Municipality, Rep. by its Commissioner, L.B. Nagar, Saroornagar, Ranga Reddy District.
2 The Hyderabad Urban Development Authority, Rep. by its Managing

Director, Hyderabad.
3 The Andhra Pradesh Pollution Control Board, Maitrivanam, Ameerpet,

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